

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTOINE LEE,

Plaintiff,

v.

RENEE LOVE, *et al.*,

Defendants.

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Case No. 1:23-cv-483

Judge Jeffery P. Hopkins

Magistrate Judge Stephanie K.
Bowman

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation (the “R&R”) issued by Magistrate Judge Stephanie K. Bowman on August 18, 2023 (Doc. 4), which recommends this matter be dismissed with prejudice for failure to state a claim upon which relief can be granted. For the reasons stated more fully below, the Court **ADOPTS** the R&R.

Plaintiff Antoine Lee (“Plaintiff”), an Ohio resident and representing himself, initiated this action suing two employees and the owner of Hometown Studio Suites, all Ohio residents, for alleged violations of Plaintiff’s Fifth and Fourteenth Amendment rights. Doc. 3. After an initial screening of the Complaint, Magistrate Judge Bowman issued a Report and Recommendation on August 18, 2023 (the “R&R”) (Doc. 4), which recommended dismissal for failure to state a claim. Doc. 4. Judge Bowman found that Plaintiff’s allegations against Defendants of poor living conditions, improperly charged late fees, and eviction from a hotel, which allegedly amount to \$50,000 in damages, are collectively insufficient to state a claim with an arguable basis in law. *Id.* at PageID 105–06.

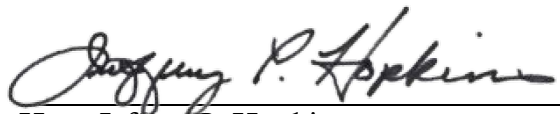
Because no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *Redmon v. Noel*, No. 1:21-CV-445, 2021 WL 4771259, at *1 (S.D. Ohio Oct. 13, 2021) (collecting cases).

The Court has reviewed the R&R (Doc. 4) and determined that it does not contain clear error. Therefore, the Court **ADOPTS** the R&R in its entirety. Accordingly, it is hereby **ORDERED** that this matter be **DISMISSED** with prejudice and **TERMINATED** on the docket of this Court.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: June 5, 2024



Hon. Jeffery P. Hopkins
United States District Judge